

the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and Mrs. Spence to the Members of the Senate.

Adjournment

On motion of Senator Lane the Senate at 5:10 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, June 6, 1955.

SEVENTY-FOURTH DAY

(Monday, June 6, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagon seller
Lock	Weinert
Martin	Willis

Absent—Excused

Roberts Rogers of Travis

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, O God, for men and women whose lives illustrate those virtues that make life pure and powerful, those who have learned from a Teacher sent from God how to live, how to love, how to suffer and to die. Teach us how to adorn these truths that our lives may be beautiful before Thee. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of

Friday, June 3, 1955 was dispensed with and the Journal was approved.

Leaves of Absence

Senator Roberts was granted leave of absence for today and remainder of the week on account of being called to active duty in the Navy on motion of Senator Hardeman.

Senator Rogers of Travis was granted leave of absence for today on account of important business on motion of Senator Aikin.

Report of Standing Committee

Senator Latimer submitted the following committee report for Senator Roberts:

Austin, Texas,
June 3, 1955.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred H. B. No. 26, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senate Concurrent Resolution 83

Senator Hazlewood offered the following resolution:

S. C. R. No. 83, Requesting Texas Legislative Council to study small loan business in Texas.

Whereas, It has come to the attention of the Legislature of the State of Texas that the citizens of this State are in many instances being charged illegal and usurious interest rates on small loans; and

Whereas, It appears that there is not sufficient law now in force in this State regulating or punishing loan brokers who willfully violate the laws of this State and that persons in this business are taking advantage of the wage-earner borrowers by charging high and usurious rates of interest; and

Whereas, The Senate, the House of Representatives concurring, desires the Texas Legislative Council to make

an investigation of the small loan business in the State of Texas, for the purpose of strengthening the laws of this State concerning usury; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Legislative Council be and it is hereby requested to make an investigation of the Small Loan Business in Texas and to make recommendations to the next session of the Legislature for strengthening the usury laws of this State.

The resolution was read.

On motion of Senator Hazlewood, and by unanimous consent, the resolution was considered immediately and was adopted.

**Conference Committee Report on
Senate Bill 134**

Senator Moffett submitted the following Conference Committee Report on S. B. No. 134:

Austin, Texas,
June 3, 1955.

The Hon. Ben Ramsey, President of the Senate.

The Hon. Jim Lindsey, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 134, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOFFETT
MARTIN
LANE
BRACEWELL
ROBERTS

On the part of the Senate.

HEATLY
BELL
POOL
GILLHAM
GLUSING

On the part of the House.

S. B. No. 134:

A BILL

TO BE ENTITLED

"An Act declaring the State Building Commission created by Section 51-b, Article III of the Constitution of Texas, to be a State agency for the purpose of performing the governmental

functions outlined therein, with powers of eminent domain, and empowering the Commission to promulgate all necessary rules and regulations for the administration of this Act; providing for the selection and tenure of a Chairman of the Commission and for the employment and qualification of an Executive Director and other necessary employees and assistants and the fixing of their compensation; authorizing and empowering the Commission to acquire real and personal property, modernize, remodel, build and equip buildings for State purposes and negotiate and make contracts to carry out the purposes of this Act; providing that the Commission shall not sell real property except as may be provided by law; authorizing and empowering the Commission to enter into contracts necessary for acquiring sites and for the planning, designing and constructing of the buildings and memorials provided for in Section 51-b, Article III of the Constitution, and the obtaining of sites for future development of the State Building Program contemplated by this Act; providing that construction contracts shall be let in accordance with laws now governing the awarding of construction contracts by the State Highway Commission; providing that certain duties shall be performed by registered architects and engineers and other duties by the Texas Highway Department; authorizing the Commission to acquire sites and construct buildings in keeping with the purposes contemplated by the Constitution; designating the courts and other departments and facilities to be housed therein; authorizing the Commission to inquire into the feasibility and suitability of erecting a monument in Vicksburg National Military Park, Vicksburg, Mississippi, and making and preparing plans therefor; authorizing the Commission to erect monuments or memorials to the Texas heroes of the Confederate States of America and the Texas War for Independence; providing that the Commission shall obtain title for the State and retain control of all real property acquired for sites and all buildings located thereon until final construction and occupancy by State agencies, and the transfer, management and control thereafter to the Board of Control; directing all departments of the State government to assist and cooperate with the Commission; making appropriations for the following purposes: for compensation and other operating expenses of

the Commission until August 31, 1955; for the acquisition of a site and the construction of the Supreme Court Building; for the acquisition of a site and the construction of a State Office Building; providing for the air conditioning of certain portions of the Capitol Building and making an appropriation therefor; providing for the use and occupancy of certain parts of the Capitol Building by the House and Senate under certain conditions; providing for investigating and planning the monument to be erected in Vicksburg National Military Park and for erecting suitable memorials to the heroes of the Texas War for Independence and for other purposes; authorizing the Commission to negotiate and contract with the Texas Historical Survey Committee for certain purposes; authorizing the Governor to appoint an Advisory Board and defining its purpose; authorizing the Commission to invest surplus funds in bonds, notes, certificates and other interest-bearing obligations of the United States of America and the payment of interest into the State Building Fund; providing that the State library shall remain in the State Capitol and prescribing certain standards for same; providing that the Commission may provide certain storage facilities; providing a severability clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The State Building Commission, to be composed of the Governor, the Attorney General, and the Chairman of the Board of Control, is hereby declared to be a State agency for performing the governmental functions outlined in Section 51-b of Article III of the Constitution of the State, and where the term "Commission" is referred to in this Act, it shall mean the State Building Commission.

Sec. 2. The Commission shall meet immediately after the effective date of this Act and elect its Chairman for a period of two years, ending the first day of February, 1957, and shall in like manner elect a Chairman for the ensuing two years on or before the first day of February each two years thereafter. Should the chairmanship become vacant during the interim between such biennial elections, same shall be filled by a majority vote of the Commission.

Sec. 3. The Commission shall have the authority to promulgate such rules and regulations as it deems proper for the effective administration of this Act. Under such terms and conditions as may be provided by law, the Commission may acquire necessary real and personal property, modernize, remodel, build and equip buildings for State purposes, and make contracts necessary to carry out and effectuate the purposes herein mentioned in keeping with appropriations authorized by the Legislature. Provided, however, that the Commission shall not sell or dispose of any real property of the State, except by specific authority from the Legislature.

Sec. 4. The Commission shall employ an Executive Director of the State Building Commission. The Executive Director shall receive a salary of not less than Nine Thousand (\$9,000.00) Dollars per annum and shall possess qualifications and training which suit him to perform the duties required of him by the Commission. It shall be the duty of the Executive Director to carry out such duties as the Commission may direct. The Executive Director shall give bond in the sum of Ten Thousand (\$10,000.00) Dollars payable to the State of Texas conditioned upon the faithful performance of his duties. The Executive Director may, with the consent and approval of the Commission, employ such professional, technical, clerical, stenographic, and other assistance as may be deemed necessary, the compensation for whom may be fixed by the Commission until September 1, 1955, after which they shall be fixed in the biennial appropriation bill. The Commission may require bond of such additional employees.

Sec. 5. The Commission is authorized to take any action and enter into any contracts necessary to provide for the obtaining of sites and the planning, designing and construction of the buildings and memorials provided for by Section 51-b, Article III of the Constitution, and the Commission is also authorized to take any action and enter into any contracts to obtain sites which it deems necessary in order to provide for the orderly future development of the State Building Program which is contemplated by this Act, insofar as appropriations permit. Provided, however, that all construction contracts shall be let by the Commission on bids in the same manner as, and in accordance with, the laws now governing the awarding of con-

struction contracts by the State Highway Commission. Provided, further, that all engineering features, including but not limited to foundations, structural, mechanical, and electrical, shall be designed, planned and the construction supervised by a registered professional engineer, and all architectural features involving function and master planning shall be designed, planned and the construction supervised by a registered professional architect. Provided, further, that the Commission may call upon the Texas Highway Department to make appropriate tests and analyses of the natural materials at the site of each building constructed under the terms of this Act, to insure that foundations of said buildings will be adequate for the life of the buildings.

Sec. 6. The Commission shall have and may exercise the power of eminent domain under the General Laws to obtain sites for buildings.

Sec. 7. The Commission shall obtain title for the State and retain control of the real property acquired for sites and of the buildings located thereon until final construction is completed and the buildings are occupied by the State agencies to be housed therein, at which time the management and control of said buildings shall be transferred to the Board of Control. Except as otherwise provided in this Act, the initial occupants shall be those State agencies agreed upon by the Commission and the Board of Control.

Sec. 8. The Commission shall have the authority to call on any Department of State Government to assist it in carrying out the duties of the Commission. And particularly, it shall be the duty of the Board of Control to do and perform such acts and functions in connection with this Act as the Commission may direct; and to that end any portion of the money appropriated to the Commission may be allocated by the Commission to the Board of Control and expended by it under the direction of the Commission in carrying out the provisions of this Act.

Sec. 9. The State Building Commission may, in its discretion, invest all or any part of the State Building Fund created by Section 51-b of Article III of the Constitution in bonds, notes, certificates or other interest bearing obligations which are direct obligations of the United States of America; provided, however, that the Commission shall keep available suf-

ficient monies to meet current expenditures authorized by appropriations. All income realized from interest or sale of such obligations shall become a part of the State Building Fund.

Sec. 9a. The first major modernizing and remodeling program to be undertaken under the provisions of this Act shall be the air conditioning of the halls, offices and committee rooms of the House of Representatives and the Senate in the Capitol building; and to carry out this program of remodeling and modernization the sum of Five Hundred Thousand (\$500,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of the State Building Fund. It is the intention of the Legislature that this air conditioning program for the House and Senate shall be the first undertaken and completed, so that such facilities may be ready for legislative use at the opening of the 55th Regular Session, beginning in January, 1957.

Sec. 10. The first building to be erected pursuant to this Act and in compliance with Section 51-b of Article III of the Constitution shall be for the use and occupancy of the Supreme Court of this State, the Court of Criminal Appeals, and also the offices of the Attorney General of Texas, the State's Attorney before the Court of Criminal Appeals, the Supreme Court Library, and such other facilities and agencies as the Commission and the Board of Control may jointly deem necessary or desirable.

Sec. 11. Pursuant to Section 51-b of Article III of the Constitution the building provided for in Section 10 herein shall be known and properly designated by the State Building Commission as a memorial to the Texans who served in the Armed Services of the Confederate States of America, and a suitable cornerstone or plaque, or other proper means of designation, shall be integrated into the construction of the building to effectuate this memorial purpose. It shall be proper, however, to refer to the building as the "Supreme Court Building." Said building shall be of fireproof construction and provided with modern improvements including air conditioning, proper lighting, heating, ventilation, parking areas, and such other utilities and facilities as the Commission shall determine.

Sec. 12. The State Building Commission is hereby directed to make a careful survey of the most suitable

site in the vicinity of the State Capitol for the erection of the said "Supreme Court Building." In keeping with the foregoing considerations, the Commission is hereby specifically authorized, if the State does not already own a suitable site, to acquire such a site.

Sec. 13. The Governor is hereby empowered at his discretion to appoint a "Supreme Court Building Advisory Board" of not more than five members. It shall be the duty of said Board to advise with the Commission as to the design of the Supreme Court Building mentioned in Section 11 of this Act. The Board shall serve without pay, but may be reimbursed for such travel expenses as authorized by the Commission. The Board's duties shall terminate when the final contract for the construction of the "Supreme Court Building" is made.

Sec. 14. The second building specifically authorized by this Act and to be considered by the Commission shall be known and designated as the "State Office Building" and shall be designed as a suitable office building for such State agencies as are now occupying office space in Travis County, Texas. Said building shall be of fireproof construction and provided with modern improvements including air conditioning, proper lighting, heating, ventilation, and such other utilities and facilities as the Commission shall determine. The Commission shall give due consideration to the efficient operation of the agencies housed in said building in its choice of a site, and if the State does not already own a suitable site, the Commission is hereby authorized and empowered to acquire such a site.

Sec. 15. Monuments or memorials for the Texas Heroes of the Confederate States of America and the Texas War for Independence may be erected on land owned or acquired by the State, or if suitable contracts can be made for permanent preservation of such monuments or memorials, on private property or on land owned by the Federal Government or by other States. The locating and marking of graves of such Texans is hereby authorized.

Sec. 16. The Commission is hereby authorized to negotiate and contract with the Texas Historical Survey Committee, created by the 53rd Legislature, for the purpose of assisting and advising the Commission with regard to the proper memorials and

monuments to be erected, repaired, and removed to new locations, the selection of sites therefor, and the location and marking of graves.

Sec. 17. Pursuant to Section 51-b of Article III of the Constitution, it shall be the duty of the Commission, and it is hereby directed, to make inquiry into the terms and conditions upon which a suitable monument may be erected in Vicksburg National Military Park, Vicksburg, Mississippi, in memory of the Texans who served in the Armed Forces of the Confederate States of America, at the Siege of Vicksburg in 1863. If the Commission finds that the erection of a suitable monument in said park is in keeping with the provisions of Section 51-b of Article III of the Constitution of Texas, it shall cause plans to be drawn for the erection of said monument, and at the earliest practicable date inform the Legislature as to the sum of money that should be appropriated to erect said monument.

Sec. 18. The sum of Three Million (\$3,000,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the State Building Fund for the purpose of erecting and equipping the Supreme Court Building and providing a suitable site therefor. The same shall include the necessary expenditures for the drawing of plans for said building, the leveling of the site and all other necessary expenditures in connection therewith, and the providing of suitable parkways and other necessary means of proper ingress and egress to and from said building.

Sec. 19. The sum of Three Million (\$3,000,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the State Building Fund for the purpose of erecting and equipping the State Office Building mentioned in Section 14 hereof, and for providing a suitable site therefor, if the Commission finds it desirable to purchase a site. The sum shall include the necessary expenditures for drawing of plans for said State Office Building, the leveling of the site and all other necessary expenditures in connection with the construction and equipping of said building.

Sec. 19a. The State Library shall be kept and maintained in the State Capitol, and shall include an up-to-date law library.

Sec. 20. The sum of Twenty-five Thousand (\$25,000.00) Dollars, or so

much thereof as may be necessary, is hereby appropriated out of the State Building Fund for compensation and other necessary operating expenses of the said Commission from the effective date of this Act until August 31, 1955. The sum of Thirty Thousand (\$30,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Building Fund for use by the Commission for the payment of contracts entered into with the Texas Historical Survey Committee in carrying out the provisions set forth in Section 16 of this Act.

Sec. 21. Pursuant to Section 51-b of Article III of the Constitution, there is also appropriated from the State Building Fund the sum of Thirty Thousand (\$30,000.00) Dollars, or so much thereof as may be necessary, for the purpose of erecting suitable memorials to the heroes of the Texas War for Independence on any suitable sites now owned by, or hereafter acquired by, the State, or on sites otherwise authorized in Section 15 hereof.

Sec. 22. The sum of Three Thousand (\$3,000.00) Dollars is hereby appropriated out of the State Building Fund to cover preliminary expenses incurred in carrying out the purposes mentioned in Section 17 of this Act, including the drafting of a design for said monument.

Sec. 23. When the Supreme Court of this State, the Court of Criminal Appeals, the offices of the Attorney General and the State's Attorney and the Supreme Court Library shall have moved from the State Capitol Building, the Board of Control is directed to make available for the use and occupancy of the Legislature such offices and committee rooms as the Legislature shall consider necessary and appropriate for the efficient conduct of the affairs of the House of Representatives and the Senate; provided, that office facilities which are substantially equal in quality and space shall be made available for individual members of the House of Representatives and shall be assigned among the members by lot, conducted as the House shall direct. The State Building Commission is hereby empowered and directed to allocate from the State Building Fund an amount sufficient to cover the cost of remodeling and repairing the State Capitol Building to provide the space made available under the authority of this section for the use and occupancy of the Legislature.

Sec. 24. The State Building Commission may, in its discretion, provide for the storage and display of the archives of Texas.

Sec. 25. If any section, subsection, paragraph, sentence or clause of this Act shall be held to be unconstitutional or void, such action shall not affect the other portions of this Act.

Sec. 26. The fact that Section 51-b of Article III of the Constitution of Texas, as added on November 2, 1954, constitutes a mandate to the Legislature of Texas to make effective a State building program at its present session; the further fact that there is urgent need for new and more suitable quarters for the Supreme Court and other higher courts of this State, and the other agencies mentioned herein; the further fact that there is also an urgent need for additional State-owned office space to accommodate the various State agencies now located in widely dispersed parts of the City of Austin; and the further fact that this Act is intended to relieve the foregoing conditions as early as possible, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Owen
Fuller	Parkhouse
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Shireman
Latimer	Weinert
Lock	Willis

Nays—3

Fly	Strauss
Phillips	

Absent

Wagonseller

Absent—Excused

Roberts	Rogers of Travis
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Message from the Governor

The following message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
June 3, 1955.

To the Members of the Fifty-fourth Legislature.

Complying with the request contained in House Concurrent Resolution No. 190, I am returning herewith House Bill No. 888.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Senate Concurrent Resolution 84 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis

Absent—Excused

Roberts Rogers of Travis

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 84, Granting Watkins Orr, et al. permission to sue the State of Texas.

Whereas, Watkins Orr of Hill County, Texas, Mrs. Kate Cypert, a widow, of Hill County, Texas, Mrs. Elaine Kaufman and husband, Edgar Kaufman, of New York County, New York, Mrs. Jeanne Woodall and husband, J. M. Woodall, of Howard County, Texas, Mrs. Ann Clark and husband, Hall B. Clark, of Caddo Parish, Louisiana, did execute to the State of

Texas a certain easement to the following described land located in Hill County, Texas, to wit:

A part of 214 acres out of the Henry Ross Survey, Abstract No. 755, conveyed by N. T. Orr to J. P. Orr by deed dated the 2nd day of December, 1890, and recorded in Vol. 28, Page 372, of the Deed Records of Hill County, Texas, described in two tracts, as follows:

FIRST TRACT:

Being a strip of land, 300 feet long and 100 feet wide, 50 feet on each side of a base line which bears S. 82° 58' W. from Sta. 484+62.76 on the centerline of the existing right-of-way for U. S. Hwy. 81. Said base line is described as follows:

Beginning at a point on the proposed west right-of-way line of said Highway. Said point being S. 82° 58' W. 152.31 feet from Sta. 484+62.76 on the centerline of the existing right-of-way for said Hwy.

Thence S. 82° 58' W. 300 feet to a point.

Said strip of land containing	0.689 ac.
Less acreage of existing 50' easement	0.281 ac.

0.408 ac.

Additional acreage required for new easement, 0.408 acres, more or less.

SECOND TRACT:

Being a strip of land 370 feet long and 100 feet wide, 50 feet on each side of a base line which bears N. 72° 58' E. from Sta. 484+80 on the centerline of the existing right-of-way for U. S. Hwy. No. 81. Said base line is described as follows:

Beginning at a point on the proposed east right-of-way line for U. S. Hwy. No. 81. Said point being N. 72° 58' E. 130.00 feet from Sta. 484+80 on the centerline of existing right-of-way for said Hwy.

Thence N. 72° 58' E. 370.00 feet to a point.

Said strip of land containing	0.849 acres
Less acreage for existing 40-foot easement	0.340 acres

0.509 acres

Additional acreage required for new easement, 0.509 acres, more or less. Both tracts containing 0.917 acres, more or less.

And Whereas, On the 6th day of May, 1955, the parties delivered said easement to the State of Texas, providing as follows:

"It is specifically understood that the State and its assigns shall be vested with the title to and the right to take and use, without additional compensation, any stone, earth, gravel, caliche or any other materials or minerals upon, in and under said land, except oil, gas and sulphur, for the construction and maintenance of the Highway System of Texas"; and

Whereas, There is a bona fide dispute as to the written easement carrying into effect the exact terms as agreed between the parties; and

Whereas, The above named parties are desirous of filing suit to clarify the terms of the said easement; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House concurring, that Watkins Orr of Hill County, Texas, Mrs. Kate Cypert, a widow, of Hill County, Texas, Mrs. Elaine Kaufman and husband, Edgar Kaufman, of New York County, New York, Mrs. Jeanne Woodall and husband, J. M. Woodall, of Howard County, Texas, Mrs. Ann Clark and husband, Hall B. Clark, of Caddo Parish, Louisiana, are hereby granted permission to sue the State in any Court of competent jurisdiction for the purpose of clarifying the above mentioned easement and any matters pertaining thereto;

But it is hereby expressly understood that this resolution cannot be construed as admission of liability on the part of the State, and the plaintiffs must prove their case as in any other civil action.

Service may be had on the Attorney General and the State Highway Commissioner of the State of Texas.

To the Committee on Civil Jurisprudence.

Senate Resolution 428

Senator Secrest offered the following resolution:

Whereas, Bill Shireman, Jr., and James Koch are visitors in the Capitol today; and

Whereas, Bill Shireman, Jr., is the son of the distinguished Senator from Nueces and James Koch is the son of a prominent attorney of Austin who was formerly the law partner of the Senator from Nueces; now, therefore, be it

Resolved, That the Senate of the State of Texas extend a most cordial welcome to Bill Shireman, Jr., and James Koch and that they be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the guests to the Members of the Senate.

Report of Standing Committee

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 84, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

(Senator Hardeman in Chair.)

Senate Resolution 429

Senator Lane offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Mt. Enterprise High School accompanied by Mrs. Wynell Webb and Mr. Walter Wood; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lane by unanimous consent presented the students, Mrs. Wynell Webb and Mr. Wood to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 1, Relative to sine die adjournment.

The House refused to concur in Senate amendments to House Bill No. 959 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House appointed the following conferees: Wood, Ferrell, Huffman, Storey, and Pyle.

S. B. No. 218, A bill to be entitled "An Act providing for initial admissions to State Mental Hospitals; providing that findings of hospital staff be admitted in evidence; providing that notification as to findings be given county court; providing for partial invalidity; and declaring an emergency."

(With amendments.)

S. B. No. 447, A bill to be entitled "An Act amending Chapter 105 of House Bill No. 566, Acts of the Regular Session, 52nd Legislature, 1951, as amended in same session by Chapter 447, House Bill No. 812, by adding thereto a new section to be numbered Section 2a, making it lawful to spear rough fish in the Colorado River and its Lakes; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 322.

House has appointed the following conferees: Smith of Hays, Seeligson, Sayers, Bradshaw, and Osborn.

House has appointed following conferees on S. C. R. No. 56: Johnson, Allison, Yancy, Lehman, and Niemann.

S. B. No. 448, A bill to be entitled "An Act establishing a juvenile board in each county comprising the Second 38th Judicial District; prescribing the membership and powers of each board and providing for compensation of its members; providing an effective date; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act making an emergency appropriation to the Texas Commission on Alcoholism and declaring an emergency."

H. B. No. 299, A bill to be entitled "An Act to appropriate money to pay Judge Joe F. Brown for services as Special District Judge in the Criminal

District Court of Bexar County, Texas; and declaring an emergency."

H. B. No. 907, A bill to be entitled "An Act making additional appropriations to certain officers, agencies, and departments of the State; and declaring an emergency."

H. B. No. 659, A bill to be entitled "An Act to be known as the Lobbyist Registration Act, concerning the regulation of persons promoting or opposing the passage of bills or resolutions by the Legislature or Executive approval thereof; repealing Articles 179 through 183, inclusive, of the Penal Code of the State of Texas, 1925; and declaring an emergency."

H. B. No. 972, An Act granting the Game and Fish Commission regulatory authority over the taking and possession of wildlife and fish on Gus Engeling Wildlife Management Area in Anderson County.

H. B. No. 971, An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16 of the Constitution of Texas, to be known as "Fort Bend County Water Supply District."

S. B. No. 89, A bill to be entitled "An Act making appropriations to supplement the appropriations for retirement payments and refunds of contributions under the Judiciary Retirement System for the fiscal year ending August 31, 1955; and declaring an emergency."

H. B. No. 966, A bill to be entitled "An Act amending Chapter 410, Acts of the 53rd Legislature of Texas, Regular Session, by adding a new section thereto authorizing the Texas Turnpike Authority to use and to contract indebtedness against revenues of a Turnpike Project for the purpose of paying expenses (not exceeding \$200,000.00) for studies of any other Turnpike Project, subject to the provisions and restrictions contained in any Trust Agreement affecting such revenues; enacting other provisions related to said subject; providing for precedence of this Act over conflicting laws; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act validating the sale of certain timber at Caddo Lake State Park and appropriating the proceeds to improvement of the park; and declaring an emergency."

S. B. No. 449, A bill to be entitled "An Act authorizing the Texas Prison Board to sell the Blue Ridge Prison Farm and to use the proceeds for the purchase of other lands and the construction of permanent improvements thereon; prescribing procedures and conditions for the sale of this property and the acquisition of new lands; requiring approval of certain acts by a board composed of the Governor, the Commissioner of the General Land Office, and the Chairman of the Texas Prison Board; making an appropriation; and declaring an emergency."

(As amended.)

The House refused to concur in Senate amendments to House Bill No. 602 and has requested the appointment of a conference committee to consider the differences between the two Houses.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee on
House Bill 959**

Senator McDonald called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 959 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on H. B. No. 959: Senators McDonald, Moore, Owen, Secrest and Rogers of Childress.

House Bill on First Reading

The following bill received from the House was read and was referred to the committee indicated:

H. B. No. 179, To the Committee on Counties and County Boundaries.

Report of Standing Committee

Senator Fly, by unanimous consent, submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties and County Boundaries, to whom was referred H. B. No. 179, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

House Bill 179 Ordered Not Printed

On motion of Senator Lane, and by unanimous consent, H. B. No. 179 was ordered not printed.

**Senate Bill 116 with House
Amendments**

Senator Aikin called S. B. No. 116 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Votes

Senators Weinert, Martin and Parkhouse asked to be recorded as voting "nay" on the concurrence in House amendments to S. B. No. 116.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 272, A bill to be entitled "An Act amending and revising Article 9.11 of Chapter 9 of the Insurance Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491, providing that every company, foreign and domestic, doing a title insurance business shall establish, segregate and maintain an unearned premium or reinsurance reserve which shall at all times and for all purposes be deemed and shall constitute unearned portions of the original premiums and shall be charged as a reserve liability of such company in determining its financial condition; such reserve to be cumulative and

consist of the reserve required to be established by such companies up to the effective date of this Act, pursuant to Article 9.11 of the Insurance Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491; and a reserve of five per cent (5%) of the gross premiums collected by every such company for title insurance policies and mortgagee's policies issued from the effective date of this Act; defining gross premiums; providing that unused portion of the unearned premium reserve established more than one hundred eighty months shall be released from such unearned premium reserve; providing that such unearned premium reserve shall be set aside monthly and providing that the total amount of such reserve shall never be required to exceed One Hundred Thousand (\$100,000.00) Dollars and when once increased to One Hundred Thousand (\$100,000.00) Dollars that such amount shall remain; providing that such reserve shall be set apart and maintained as a separate reserve fund; providing that such fund shall only be used for losses connected with title insurance and in case of insolvency of the company such reserve shall be used to protect title insurance policyholders; repealing all laws and parts of laws in conflict herewith; providing that a holding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

(As amended.)

S. B. No. 54, A bill to be entitled "An Act amending Article 6820, Revised Civil Statutes of Texas of 1925, as amended in 1949 by the Fifty-first Legislature, increasing the expense allowance of District Judges and District Attorneys under certain conditions; repealing all laws in conflict and providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in the Chair.)

Conference Committee Report on House Bill 53

Senator Strauss submitted the following Conference Committee Report on H. B. No. 53:

Austin, Texas,
June 2, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 53, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

STRAUSS
MOORE
PARKHOUSE
ROGERS of Travis
WAGONSELLER

On the part of the Senate.

GILLHAM
BERGMAN
MURPHY
SAYERS

On the part of the House.

H. B. No. 53:

A BILL

TO BE ENTITLED

"An Act to be entitled the 'Texas Automobile Dealers Licensing Act'; defining certain words; prohibiting sale of new and used cars in this State except by persons licensed so to do under the provisions of this Act; providing for the issuance and renewal by the Comptroller of the different types of licenses provided for by this Act; prescribing the eligibility requirements for such licenses and the conditions for their renewal, suspension, termination, and revocation; providing requirement of and conditions of bond; declaring that certain acts done in violation of this Act shall be unlawful; investing the Comptroller with authority to conduct hearings and make findings relative to complained of violations of this Act and to suspend licenses of persons found guilty of violating this Act and providing for right of appeal and trial de novo of the Comptroller's action in such cases; providing for collection of fees for issuance of licenses under this Act and making an appropriation of so much of such fees as is necessary for enforcement and administration of this Act; providing for certain criminal penalties for certain violations of the provisions of this Act; providing for certain exemptions from the coverage of this Act; providing that the entire Act shall be null and void if any section of this Act is held

to be in violation of the Anti-trust laws of this State; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. This Act shall be referred to, cited and known as the "Texas Automobile Dealers Licensing Act."

Sec. 2. The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meaning respectively ascribed to them as follows:

(a) The term "car" shall mean and include only those types of motor vehicles which fall within the definition of "passenger car" and "commercial motor vehicles" as defined in Acts, 1929, Forty-first Legislature, Second Called Session, Chapter 88, Section 1, as amended, which now appears as Article 6675a-1 of Vernon's Annotated Civil Statutes of Texas.

(b) The term "new car" means a car, as in this Act defined, which has never been the subject of a first sale, and the term "first sale" shall be the same as defined in the Certificate of Title Act of this State.

(c) The term "used car" means a car, as in this Act defined, which has been the subject of a first sale, as the term "first sale" is defined in the Certificate of Title Act of this State.

(d) The term "person" shall include every natural person, unincorporated association, partnership, or corporation and the masculine gender shall include the feminine and neuter, and the singular and plural number shall each include the other.

(e) A "place of business" means a site or location of sufficient size to permit the display of at least one (1) new or used car thereon and which is actually and bona fide devoted primarily to the purpose of facilitating the sale of new or used cars at retail.

(f) When a new car is purchased and a service policy is issued directly by an authorized dealer in the name of the purchaser it will be a violation of this Act for the selling dealer or any other authorized dealer of the same make of automobile to refuse to service the purchaser's car in accordance with the service policy.

Sec. 3. (1) On and after September 1, 1955, no person shall carry on or be engaged in this State in the business of buying, selling or in any manner dealing in new or used cars or of operating a place of business for such

purpose unless he is then the holder and owner of a license, procured and issued under the provisions of this Act, specifying on its face the type or types, i.e., whether new and used or used only, of cars in which the holder thereof is permitted so to deal and the place of business which he is permitted to operate for such purpose, and displayed in a conspicuous place at all times at the licensed place of business. Any person who buys and sells three (3) or more cars during any one (1) calendar year shall be presumed to be engaged in the business of dealing in cars.

(2) Licenses issuable under the terms of this Act shall be nontransferable and shall be of two (2) kinds, as follows:

(a) New and Used Car Dealer's License, which shall entitle the holder and owner thereof to engage in the business of buying, selling and dealing in new cars and in used cars.

(b) Used Car Dealer's License, which shall entitle the holder and owner thereof to engage in the business of buying, selling and dealing in used cars only.

(3) Each license issued and procured under the terms of this Act, if not sooner suspended or cancelled under other provisions of this Act, shall be considered valid and subsisting from the date of issue thereof through the following 30th day of June, at which time it shall automatically expire and be considered cancelled if not theretofore renewed as hereinafter provided.

(4) So long as a license is valid and subsisting under the terms of this Act, it may be renewed and extended for one (1) year from the time it otherwise would expire upon the holder and owner thereof filing with the Comptroller during the month of June a sworn application for renewal, which sworn application shall set forth the same information, as of the date of such application for renewal, as is required in order to be eligible for and to procure an original application of the type for which renewal is sought.

Sec. 4. (a) In order to be eligible for and procure either a New and Used Car Dealer License or a Used Car Dealer License, the applicant therefor shall file with the State Comptroller a sworn application, which shall be in such form as the Comptroller may prescribe, setting forth the following information:

(1) The full name of the applicant. If the applicant be an unincorporated

association of any sort, such application shall set forth the full name of such association and also the full names and actual residence addresses of all members thereof. If the applicant be a corporation, such application shall also set forth the full name and residence address of each officer and each member of the Board of Directors thereof.

(2) The full name under which the applicant does or proposes to do business. If the name under which the applicant does or proposes to do business is not exactly the same as the actual name of the applicant then such application shall also state that the applicant has complied with the provisions of Article 5924, Revised Civil Statutes of Texas, 1925, relative to conducting a business under an assumed name.

(3) The actual address of the place or places of business in this State where the applicant does or proposes to do business. A post-office box number shall not be considered such an address. If the applicant desires a license to maintain and operate and to do business at more than one (1) place of business in this State, such application shall set forth the address of the principal place of business of the applicant and also the address of each other place where the applicant does or proposes to do business.

(4) A brief description of the place or places of business which the applicant maintains and operates or proposes to maintain and operate in compliance with this Act, such description to include a statement of the total number of square feet in each such place of business and a brief description of the nature of any improvements thereon and, if the application is for a new and used car dealer's license, a statement of the name of the new car manufacturer or distributor with which the applicant is then a party to a selling agreement.

(5) A statement of the previous history, record and association of the applicant and of each owner, partner, officer and director, as the case may be, which statement shall be in sufficient detail, in the reasonable discretion of the State Comptroller, to establish to the satisfaction of the State Comptroller the reputation and character in business of the applicant, its partners, officers and directors, as the case may be.

(6) A statement showing whether or not the applicant or any partner, officer or directors, as the case may be, has ever previously applied, either

in this or any other State, for a license of the sort provided for by this Act and the result of such application and whether or not the applicant or any partner, officer or director, as the case may be, has ever been the holder of a license which has been revoked, suspended or cancelled and, if so, the circumstances in connection therewith and also whether the applicant or any of its members, officers or directors have ever been an officer or a director of a corporation at a time when any such license it may have held was revoked, suspended or cancelled and, if so, the circumstances in connection therewith.

Sec. 5. (a) Before any license provided for by this Act shall be issued or become legally effective, the applicant therefor shall file with the Comptroller a good and sufficient bond, in such form as the Comptroller may prescribe, in the sum of Ten Thousand Dollars (\$10,000) with a solvent surety company authorized to become a surety upon such a type of bond in this State, said bond to be conditioned that the person who is the principal maker thereof shall not practice any fraud in the conduct of the business which he may be licensed to conduct under this Act or violate any of the provisions of this Act or of any of the other laws of this State regulating or governing the sale of cars in this State.

(b) If any person shall suffer any loss or damage by reason of the principal maker of such bond violating any of the provisions of this Act or of any of the other laws of this State regulating or governing the sale of cars in this State while such bond is in effect, such person shall have a right of action therefor against such principal and the surety upon such bond. In any such action, a copy of such bond certified by the Comptroller to be a true and correct copy thereof shall be admitted the same as the original.

(c) No such bond shall be void upon first recovery but may be sued upon in separate actions until the amount thereof is exhausted.

(d) Any such bond and the further liability of the surety thereon shall remain in full force and effect until duly cancelled as provided in this Section of this Act, notwithstanding that the principal's license may be suspended or cancelled as elsewhere in this Act provided.

(e) If the surety on any such bond

shall desire to cancel the same and thereby be relieved of further liability thereon, it shall apply in writing to the Comptroller to be so relieved. The Comptroller shall promptly after receipt of any such application send a registered letter to the last known address of the principal place of business of the person who is the principal maker of the bond designated in the surety's application for relief therefrom, notifying such principal of such surety's application, and such bond shall be deemed cancelled upon the expiration of twenty (20) days after the day of the mailing of such notice or upon the principal maker of such bond filing a new bond in conformity with this Section of this Act, whichever event first occurs. If the principal maker of such bond so sought to be cancelled does not file such a new bond on or before the expiration of said twenty (20) days, any license which such principal may then have shall be considered cancelled at the expiration of said twenty (20) days. The Comptroller shall keep careful record of the date of mailing of all registered notices provided for by this subsection, and his official certificate of the date and fact of any such mailing shall be competent evidence thereof.

(f) If a person's license is cancelled or expires under any of the other provisions of this Act, the liability of the surety on such person's bond shall thereupon be deemed cancelled as to any acts occurring subsequent to such cancellation or expiration of such person's license. A certificate of the Comptroller that a person's license has been finally cancelled or has expired, setting forth a brief statement of the reasons for such cancellation or expiration, shall be competent prima facie evidence of the surety's release from liability on such bond for acts occurring subsequent to the date of such cancellation or expiration.

Sec. 6. On and after the effective date of this Act it shall be unlawful for any person, whether or not holding a license issued under this Act, to do or attempt to do any of the following acts:

(1) To sell or offer to sell any car which he is not permitted to sell pursuant to the terms and provisions of the license then held by such person.

(2) To sell or offer to sell, lease or offer to lease any car, whether new or used, which has not been previ-

ously registered or licensed in this State or elsewhere, unless such sale or offer to sell is made by a dealer who is then a party to a selling agreement with a manufacturer of the same make of car sold or offered for sale or unless such sale or offer to sell is made to a person who is then a party to a selling agreement with a manufacturer of the same make of car as that so offered or sold.

(3) To hold any new car for sale without then also holding a valid manufacturer's certificate properly and truly showing such person to be the then holder of the legal title to such new car; provided, however, that if a person has pledged or mortgaged the manufacturer's certificate covering such new car to a lender as security for a bona fide debt secured by a lien on said car, such person shall, for the purpose of this particular provision of this Act, still be deemed to be the holder of such manufacturer's certificate if such person then holds a receipt from such lender evidencing the fact of such pledge or mortgage.

Sec. 7. (a) If any person holding a license under the provisions of this Act shall be adjudged guilty in any court of competent jurisdiction in this State of violating any of the provisions of this Act or of any crime arising out of fraud or misrepresentation in the sale of a new car or used car or of any of the other laws of this State regulating or governing the registration, licensing, sale or dealing in new or used cars or of any felony involving moral turpitude, then such person's license shall be considered as automatically suspended contemporaneous with the time of pronouncement of such judgment and shall remain so suspended until such judgment shall be vacated by the court in which judgment was pronounced or reversed on appeal. If such judgment is not so vacated or reversed on appeal and becomes final in the sense of not thereafter being subject to appeal or being vacated, such person's license shall be considered cancelled contemporaneous with the time of such judgment becoming so final. The clerk of the court in which any such judgment is pronounced, or the judge thereof where it has no clerk, shall forward to the Comptroller, promptly after the entry thereof, a certificate of such entry.

(b) If any person holding a license under this Act shall for a period of ninety (90) days after the same becomes final and not subject to further appeal fail to make payment of the

amount of any judgment rendered by any court of competent jurisdiction against such licensee and founded upon a claim arising out of fraud or misrepresentation in the sale of a motor vehicle or out of the failure or omission to comply with the provisions of this Act or of any other laws of this State regulating the registration, licensing, sale or dealing in motor vehicles, such person's license shall be considered cancelled contemporaneous with the expiration of said ninety (90) days. The clerk of the court in which any such judgment is rendered, or the judge thereof where it has no clerk, shall forward to the Comptroller an abstract of such judgment if any person so requests after the expiration of ninety (90) days after the entry thereof and pays the proper fee for such abstract.

Sec. 8. (1) If the Comptroller at any time receives a sworn complaint from any person specifying in reasonable detail that any person holding a license under this Act has violated any of the provisions of this Act or any of the other laws of this State regulating or governing the registration, licensing, sale, or dealing in new or used cars in this State, or has been guilty of any fraud or fraudulent practice in connection therewith, then the Comptroller shall conduct a hearing, as hereinafter provided, for the purpose of ascertaining the truth of such complaint.

(2) Notice in writing of the time and place of such hearing shall be given to the charged person, such notice specifying the act or acts of which the person is charged. Such notice may be given to such person by registered mail addressed to his principal place of business shown on his application for a license or delivered to him in person by the Comptroller, in either event such notice to be so sent or so delivered not less than ten (10) days prior to the date of such hearing.

(3) At such hearing, the charged person shall be entitled to be present in person or by one of his or its agents at all times during the taking of testimony or receipt of evidence and shall be entitled to be represented by any attorney or attorneys licensed to practice law in this State and shall be permitted to cross-examine witnesses and to bring before the Comptroller at such hearing any evidence relative to the subject matter thereof and shall be permitted to present oral and written argument in

support of any position he takes at such hearing.

(4) The hearing may be held at any place in this State designated by the Comptroller; provided, however, that if the charged person so requests in writing delivered to the Comptroller at least five (5) days before the time set for the hearing, the hearing shall be held in the county where such charged person has his principal place of business.

(5) In such hearing all witnesses shall be duly sworn by the Comptroller or his representative presiding at such hearing, and stenographic notes of the proceeding shall be taken and filed as part of the records of the hearing. Any party to the hearing shall be furnished with a transcription of the stenographic notes upon request and payment to the Comptroller of the cost of preparation thereof.

(6) Within at least ten (10) days after the conclusion of such hearing, the Comptroller shall make and enter of record in his records his findings based on the evidence adduced before him at such hearing. If he finds that the charged person has been guilty of any violation of any of the provisions of this Act or of any of the other laws of this State regulating or governing the registration, licensing, sale, or dealing in new or used cars or of having been guilty of any fraud or fraudulent practice in connection therewith, the Comptroller shall promptly send by registered mail to such person at the address of his principal place of business as shown on the Comptroller's records a copy of such findings together with a notice of suspension of such person's license, and such person's license shall be considered suspended and no longer valid and subsisting at the expiration of forty-eight (48) hours after such sending of such notice.

(7) If a person whose license has been so suspended desires to appeal from any such finding of the Comptroller, he may do so by filing a petition in any district court in the county of his residence within twenty (20) days after the sending of the notice of suspension provided for in the preceding subsection (6) of this Section, in which petition he shall complain of the Comptroller as party defendant and cause him to be served with citation thereof and shall state in said petition that he does appeal from such findings, whereupon the only issues to be tried in such cause

shall be whether such person has been guilty as originally found by the Comptroller, which issues shall be tried de novo, and the substantial evidence rule shall not apply but said case shall be tried as cases appealed from the justice of the peace court with the burden to prove the truth of such original findings by a preponderance of the evidence upon the Comptroller.

(8) If any person whose license has been suspended as in this Section provided for, after having been sent notice of suspension of his license as provided for in subsection (6) of this Section, fails within twenty (20) days to institute and prosecute a suit to set the same aside, then the finding of the Comptroller shall be considered final and such person's license shall be considered finally cancelled at the expiration of said twenty (20) days.

(9) If upon the trial of the case instituted as provided for in subsection (7) of this Section the judgment be that such person has been guilty of any of the acts of which he was originally found guilty by the Comptroller, his license shall be considered finally cancelled as of the time of such judgment becoming final in the sense of not being subject to further appeal. If the judgment be that he has not been so guilty, and if such person's license is then in all other respects in good standing under the provisions of this Act, such person's license shall be considered restored to a valid and subsisting status upon such judgment becoming final in the sense of not being subject to further appeal.

(10) In all hearings conducted by the Comptroller as provided for in this Act:

(a) The Comptroller shall have power to issue subpoenas for the attendance of witnesses and the production of records and documents at any place within the county where the subpoenaed witness resides or the subpoenaed records or documents are situated; provided, however, that the production of a person's records and documents shall not be required at any place other than the place where such records are usually kept, if, prior to the return date specified in the subpoena therefor, the person having custody of such records furnishes the Comptroller with a true copy of such records as have been subpoenaed, certified by such person under oath to be a true and correct

copy thereof, or enters into a stipulation with him and also any party to a hearing in which it is contemplated that such information may be introduced into evidence as to the information contained in such records and documents. Witnesses shall be paid the same fees and mileage that are paid witnesses in the district courts of this State.

(b) No person shall be excused from complying with any requirement under this Section or from attending and testifying or from producing records and documents in obedience to a subpoena on the ground that the testimony or evidence required of him may tend to incriminate him, but no natural person shall be prosecuted for or on account of any transaction concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such natural person shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) In case of disobedience of any subpoena or of the contumacy of any witness appearing before the Comptroller, the Comptroller may invoke the aid of the District Court within whose jurisdiction such witness may be found, and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena and testify to the matter under investigation, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) The Comptroller may cause the deposition of witnesses residing within or without this State to be taken in the manner prescribed for depositions in civil actions under the laws of this State.

Sec. 9. The Comptroller shall charge and collect the following fees in connection with the administration of this Act:

(a) Thirty-five Dollars (\$35) for each New and Used Car Dealer's License and each renewal thereof.

(b) Twenty-five Dollars (\$25) for each Used Car Dealer's License and each renewal thereof.

(c) Ten Dollars (\$10) for each place of business in addition to the principal place of business which a licensee shall be entitled to operate under the provisions of his license.

Sec. 10. Whoever, acting for himself or another knowingly sells, trades, or otherwise transfers or offers to sell, trade or otherwise transfer any new

or used car in this State in violation of this Act or who knowingly makes any false statement in any application for the original issuance or renewal of any license provided for by this Act or who knowingly violates any of the other provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than Five Hundred Dollars (\$500) or imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment.

Sec. 11. The provisions of this Act shall not apply to the sale, trade or transfer of a car when made in any of the following transactions and under the following conditions:

(1) At any judicial, executor's, administrator's, guardian's or conservator's sale, or any sale by a duly appointed receiver or trustee in bankruptcy acting pursuant to his duties as such.

(2) The sale by or for the account of a mortgagee, selling in the ordinary course of business to liquidate a bona fide debt, of a car which has theretofore been mortgaged in good faith as security for such debt.

(3) The sale by or for the account of an insurance company of a car which it has acquired in the ordinary course of its insurance business and relative to which it had theretofore issued a policy of insurance insuring the prior owner thereof against loss by damage thereto or theft thereof.

(4) The sale, trade or transfer of a car by the owner thereof in the ordinary course of and incident to his principal business, if such vendor is not otherwise engaged either permanently or temporarily in the business of buying, selling or otherwise in any manner dealing in cars; provided, however, in no event shall any such sale, trade or transfer be exempt from the provisions of this Act if made or intended, either directly or indirectly, for the benefit of any person who would be required to have a license as provided by this Act in order himself legally to sell, trade or transfer such car if the legal title to same were in him.

Sec. 12. (a) All moneys derived from fees collected under this Act shall be duly paid into the State Treasury.

(b) So much of such moneys as is needed not to exceed Fifty Thousand (\$50,000) Dollars by the Comptroller in order to effectively administer and enforce the provisions of this Act dur-

ing the biennium ending August 31, 1957, is hereby specifically appropriated to the Comptroller for such purpose, and the Comptroller shall from time to time draw warrants upon the State Treasurer, if the amount of any such warrant does not exceed the amount then available in such fund, for the purpose of paying such salaries, mileage allowances, per diem, witness fees, equipment, supplies, and such other charges and expenses as he shall incur in the performance of the duties imposed upon him by this Act. After August 31, 1957, all expenditures for the administration and enforcement of this Act shall be in the amounts and for the purposes fixed by the General Appropriation Bill, and at the beginning of each biennium thereafter all moneys then in such fund which are not then appropriated shall be set over and paid into the General Revenue Fund.

Sec. 12-1. Nothing in this Act contained shall alter, amend, modify, repeal, nullify, or in any manner impair, the Anti-trust laws of this State.

Sec. 12-a. If any Section of this Act is ever held to be in violation of the Anti-trust laws of this State, then the whole Act shall be declared null and void.

Sec. 13. The fact that safe and efficient transportation by use of the automobile is no longer a luxury but is now a necessity in the American way of life, the fact that it is of vital public importance that persons engaged in the business of selling new cars in this State be reasonably financially and morally responsible and able to perform and comply with the service warranties normally accompanying the sale of new cars in this State, the fact that it is of vital public importance that all persons engaged in the business of selling either new or used cars or both new and used cars be financially responsible and able to deliver good titles to the purchasers from them of cars in this State, the fact that the present lack of laws in this State reasonably regulating the sale of cars in this State previously has contributed to the perpetration of many frauds upon the citizens of this State by some dealers in cars in this State and that such is likely to happen in the future if this legislation is not enacted, the fact that many used cars previously have been sold in this State to citizens thereof upon the misrepresentation that they were new cars when, as a matter of fact and Texas law, they were not and

that such is likely to happen in the future if this legislation is not enacted, and the fact that there is a great public need for a reasonable policing of the business of selling cars in this State, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Question—Shall the Conference Committee report on H. B. No. 53 be adopted?

Recess

On motion of Senator Corbin the Senate at 11:59 o'clock a. m. took recess until 2:00 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p. m. today.

Leave of Absence

Senator Shireman was granted leave of absence for the remainder of the day on account of important business on motion of Senator Aikin.

Conference Committee on House Bill 602

Senator Strauss called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 602 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Strauss, Latimer, Kazen, Fuller, and Ashley.

House Concurrent Resolution 153 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 153, Providing for the appointment of certain Members of the House of Representatives and

Senate, by the presiding officers thereof, to attend certain councils and committee meetings to improve cooperation between states in interstate affairs.

The resolution was read the second time and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 116, Granting permission to Joe Villagran and wife, and Mrs. Dolores Guillen to sue the State of Texas.

H. C. R. No. 97, Granting W. D. Lander and A. L. Lander permission to sue the State and the Texas Highway Dept.

H. C. R. No. 131, Granting an easement to the City of Austin, Texas, for sanitary sewer line purposes.

H. C. R. No. 99, Granting certain easements to the City of Austin, Texas.

H. B. No. 131, A bill to be entitled "An Act concerning public recreational programs and facilities; authorizing their establishment by cities, towns and school districts acting singly or jointly; and declaring an emergency."

H. B. No. 77, A bill to be entitled "An Act to amend Article 6674-n, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature, General Laws, Page 622; as amended by Chapter 199, House Bill No. 439, passed at the Regular Session, Forty-fourth Legislature, General Laws, Page 485; conferring upon the State Highway Commission the right of eminent domain acting by and through the Attorney General of the State of Texas, to condemn land for right of way in connection with the construction of a designated State Highway; providing for filing of suits by the State Highway Commission, acting by and through the Attorney General of the State of Texas, in Travis County for the purpose of securing such right of way; etc.; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act legalizing the hunting of

buck deer with dogs in Hardin County during the open season; repealing conflicting laws; and declaring an emergency."

H. B. No. 926, A bill to be entitled "An Act amending Article 634, Revised Civil Statutes of Texas, 1925, as amended, by adding a provision requiring the State Board of Control to purchase manufactured products of visually handicapped persons or workshops for the blind under certain circumstances; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act relating to the regulation of the wildlife resources of certain counties of the State; amending Sections 1, 8, and 14 of Chapter 125, Acts of the 52nd Legislature, 1951, by adding Bell, Bosque, Coryell, Hill, Johnson, McLennan and Somervell Counties to the list of counties subject to its provisions, by changing the number of members of the Game and Fish Commission constituting a quorum for the adoption of orders, rules and regulations thereunder, and by changing the provisions for forfeiture of licenses to conform to Article 893 of the Penal Code of Texas, 1925, as amended; repealing certain laws; providing for the operative date of this Act; providing for severability; and declaring an emergency."

H. B. No. 860, A bill to be entitled "An Act making it unlawful to hunt deer with dogs in Nacogdoches, Sabine and San Augustine Counties; repealing Chapter 384, Acts of the 51st Legislature, Regular Session, 1949, and amending Section 1 of Chapter 409, Acts of the 53rd Legislature, Regular Session, 1953; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act providing for the furnishing, use, and disposition of equipment, materials, and merchandise for use in occupational therapy programs; providing for the sale of goods so produced; providing for disposition of funds realized from such sales; and declaring an emergency."

H. B. No. 894, A bill to be entitled "An Act amending Section 5 of Article 5142c, Revised Civil Statutes of Texas, 1925, as added by Chapter 608, Acts of the 51st Legislature, Regular Session, 1949, relating to compensation of Probation Officers (Juvenile Officers) in counties of

190,000 to 224,000 inhabitants; and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act providing that if any person who shall drive or operate an automobile or other motor vehicle upon the public roads, highways, streets, or alleys in this State while under the influence of a narcotic drug shall, through accident or mistake do an act which, if voluntarily done, would be a felony, shall receive punishment affixed to such felony offense, except under certain conditions, and declaring an emergency."

House Bills on First Reading

The following bills received from the House were read first time and were referred to the committees indicated:

H. B. No. 820, To the Committee on Finance.

H. B. No. 299, To the Committee on Finance.

H. B. No. 907, To the Committee on Finance.

H. B. No. 659, To the Committee on State Affairs.

H. B. No. 971, To the Committee on Counties and County Boundaries.

H. B. No. 972, To the Committee on Counties and County Boundaries.

H. B. No. 750, To the Committee on Insurance.

Senate Concurrent Resolution 84 Ordered Not Printed

On motion of Senator Martin, and by unanimous consent, S. C. R. No. 84 was ordered not printed.

Senate Concurrent Resolution 84 on Second Reading

On motion of Senator Martin, and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

S. C. R. No. 84, Granting Watkins Orr et al. permission to sue the State.

The resolution was read second time and was adopted.

House Bill 179 on Second Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 179 be

placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	McDonald
Ashley	Moffett
Bracewell	Owen
Colson	Phillips
Corbin	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Absent

Fly	Moore
Fuller	Parkhouse
Kelley	Weinert

Absent—Excused

Roberts	Shireman
Rogers of Travis	

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 179, A bill to be entitled "An Act validating the sale of certain timber at Caddo Lake State Park and appropriating the proceeds to improvement of the park; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 179 on Third Reading

The constitutional rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 179 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Kelley
Ashley	Lane
Bracewell	Latimer
Colson	Lock
Corbin	Martin
Hardeman	McDonald
Hazlewood	Moffett
Kazen	Moore

Owen	Secrest
Phillips	Strauss
Ratliff	Wagonseller
Rogers	Willis
of Childress	

Absent

Fly	Parkhouse
Fuller	Weinert

Absent—Excused

Roberts	Shireman
Rogers of Travis	

(Senator Hardeman in the Chair.)

Report of Standing Committee

Senator Strauss, by unanimous consent, submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 971, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STRAUSS, Vice-Chairman.

House Bill 971 Ordered Not Printed

On motion of Senator Phillips, and by unanimous consent, H. B. No. 971 was ordered not printed.

Senate Bill 449 with House Amendments

Senator Phillips called S. B. No. 449 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Phillips moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 610 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 610, A bill to be entitled "An Act ratifying, confirming, and validating the designation of subdivision No. Two of the underground water reservoir in the Ogallala formation North of the Canadian River in Texas, dated August 16, 1954, and of the creation and establishment of ground water conservation District No. 2, North of the Canadian River; providing for the conservation, preservation, protection and recharging and the prevention of waste of underground water within said district; prescribing the powers, functions and limitation of such district, including power to levy taxes and issue bonds; providing the Act shall not be construed to affect any district or bond proceedings or bonds issued or to be issued in which there is pending litigation upon the effective date of the Act; containing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 610 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 610 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Absent

Fly	Parkhouse
Fuller	Weinert

Absent—Excused

Roberts	Shireman
Rogers of Travis	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Absent

Fly	Parkhouse
Fuller	Weinert

Absent—Excused

Roberts	Shireman
Rogers of Travis	

House Bill 618 Re-referred

On motion of Senator Owen, and by unanimous consent, H. B. No. 618 was withdrawn from the Committee on State Affairs and re-referred to the Committee on State Institutions and Departments.

House Bill 971 on Second Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 971 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Fly	Owen
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Strauss
Lane	Wagonseller
Latimer	Willis

Absent

Parkhouse	Weinert
Secrest	

Absent—Excused

Roberts Shireman
Rogers of Travis

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 971, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16 of the Constitution of Texas, to be known as 'Fort Bend County Water Supply District'; prescribing its powers and duties and providing for a governing body thereof; making the District subject to the statutes relating to water control and improvement districts except as otherwise provided; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 971 on Third Reading

The constitutional rule requiring bills to be read on three several days having been suspended, the Presiding Officer laid H. B. No. 971 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Fly	Owen
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Strauss
Lane	Wagonseller
Latimer	Willis

Absent

Parkhouse Weinert
Secrest

Absent—Excused

Roberts Shireman
Rogers of Travis

Senate Bill 218 with House Amendments

Senator Lock called S. B. No. 218

from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate concur in the House amendments.

The motion prevailed.

Report of Standing Committee

Senator Ratliff, by unanimous consent, submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 618, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RATLIFF, Chairman.

House Bill 618 Ordered Not Printed

On motion of Senator Owen, and by unanimous consent, H. B. No. 618 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 191, Recalling House Bill No. 888 from the Governor's office for certain corrections.

H. B. No. 952, A bill to be entitled "An Act providing for the reallocation of certain funds heretofore appropriated to the Board of Pardons and Paroles by House Bill No. 111, Chapter 81, Acts of the 53rd Legislature, Regular Session; and declaring an emergency."

H. B. No. 1, A bill to be entitled "An Act implementing the provisions of the Adult Probation and Parole Law; providing for the investigation by probation and parole officers; pro-

viding that the Board of Pardons and Paroles shall administer the provisions of this act; providing for the appointment of a Director of Probation and Parole and the method thereof and prescribing his duties and powers; providing for the appointment of probation and parole officers and other employees; making an appropriation for carrying out the provisions of this act; providing for a savings clause; providing that nothing herein shall repeal Article 781b, V. R. C. S. as amended, commonly known as the Suspended Sentence Law; and declaring an emergency."

H. C. R. No. 192, Directing the House Enrolling Clerk to correct certain stenographic errors in H. B. No. 660.

S. B. No. 407, A bill to be entitled "An Act making an appropriation of Fourteen Thousand Dollars (\$14,000.00) or so much thereof as necessary, out of the unexpended balance heretofore appropriated to the Livestock Sanitary Commission under and by virtue of the provisions of House Bill 426, Fifty-second Legislature, Regular Session, 1951, and House Bill 111, Fifty-third Legislature, Regular Session, 1953, for the purpose of paying indemnity to the owners of sheep and goats whose animals have been exposed to the contagious and fatal disease of scrapie which requires the destruction of such animals and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 618 on Second Reading

Senator Owen moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 618 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kazen
Ashley	Kelley
Bracewell	Lane
Colson	Latimer
Corbin	Lock
Fly	Martin
Fuller	McDonald
Hardeman	Moffett
Hazlewood	Moore

Owen	Secrest
Phillips	Strauss
Ratliff	Wagonseller
Rogers	Willis
of Childress	

Absent

Parkhouse	Weinert
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Absent—Excused

Roberts	Shireman
Rogers of Travis	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 618, A bill to be entitled "An Act to define Pension Trusts; to provide that Pension Trusts are Trusts within the meaning of the Texas Trust Act; to provide that such Pension Trusts shall not be deemed perpetuities nor unreasonable accumulations; to declare the effect of this Act upon Pension Trusts created under the laws of this State and those created elsewhere; to express the intent of the Legislature in passing this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 618 on Third Reading

The constitutional rule requiring bills to be read on three several days having been suspended, the Presiding Officer laid H. B. No. 618 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Owen
Fly	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis

Absent

Parkhouse	Weinert
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Absent—Excused

Roberts	Shireman
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Report of Standing Committee

Senator Fly, by unanimous consent, submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 972, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

House Bill 972 Ordered Not Printed

On motion of Senator Moore, and by unanimous consent, H. B. No. 972 was ordered not printed.

House Bill 972 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 972 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Phillips
Fly	Ratliff
Fuller	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Nays—1

Hardeman

Absent

Parkhouse Weinert

Absent—Excused

Roberts Shireman

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 972, A bill to be entitled "An Act giving the Game and Fish Commission regulatory authority over the taking and possession of wildlife and fish on Gus Engeling Wildlife Management Area in Anderson County, Texas; containing penalty, repealing and saving clauses; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 972 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended, the President laid H. B. No. 972 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Record of Votes

Senators Hardeman and Fly asked to be recorded as voting "Nay" on the final passage of H. B. No. 972.

Bills Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read of the following enrolled bills:

S. B. No. 447, A bill to be entitled "An Act amending Chapter 105 of House Bill 566, Acts of the Regular Session, 52nd Legislature, 1951, as amended in same session by Chapter 447, House Bill 812, by adding thereto a new section to be numbered Section 2a, making it lawful to spear rough fish in the Colorado River and its lakes; and declaring an emergency."

S. B. No. 448, A bill to be entitled "An Act establishing a juvenile board in each county comprising the Second 38th Judicial District; prescribing the membership and powers of each board and providing for compensation of its members; providing an effective date; and declaring an emergency."

Report of Standing Committee

Senator Fly by unanimous consent submitted the following report:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 941, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

FLY, Chairman.

House Bill 941 Ordered Not Printed

On motion of Senator Lane and by unanimous consent, H. B. No. 941 was ordered not printed.

House Bill 720 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 720, A bill to be entitled "An Act relating to the annual minimum base salary of vocational teachers under the Foundation School Program Act; amending Article IV of the Foundation School Program Act by adding a new section providing for an increase in the minimum annual salary of vocational teachers conducting vocational programs in excess of nine months; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 720 on Third Reading

Senator Aikin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 720 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Strauss
Latimer	Wagonseller
Martin	Willis
McDonald	

Absent

Kelley Weinert
Lock

Absent—Excused

Roberts Shireman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 160 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 160, Permitting the presiding officers of the Houses to have their signatures removed from the enrolled copy of H. B. No. 632 and instructing the Enrolling Clerk of the House to correct Section 2(c) of said bill.

The resolution was read the second time and was adopted.

(President in the Chair.)

Messages from the Governor

The following messages received from the Governor were read and were referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 6, 1955.

To the Senate of the Fifty-Fourth Legislature.

On June 3, 1955, the name of Charles T. Troell, Jr., was submitted as an appointee on the Board of Directors, Nueces River Conservation and Reclamation District for term to expire February 1, 1959.

Please correct your records to properly reflect the name as Charles H. Troell, Jr., of Pleasanton, Atascosa County.

On the same date, the name of M. C. Blackburn, Jr., was submitted as District Attorney of the Second 38th Judicial District Court, effective 90 days after adjournment.

Please correct your records to properly reflect the name as Marvin Blackburn, Jr., of Junction, Kimble County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Austin, Texas,
June 6, 1955.

To the Senate of the Fifty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be District Attorney for the 106th Judicial District (Dawson, Gaines, Garza, Lynn, Terry and Yoakum Counties) to fill the unexpired term of Vernon A. Townes, resigned: Mitchell Williams of Tahoka, Lynn County.

To be District Attorney of the 38th Judicial District (Real, Medina, Uvalde and Zavala Counties) to fill the unexpired term of Jim W. Weatherby, effective 90 days after adjournment: Francis Richter of Hondo, Medina County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Concurrent Resolution 192 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 192, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 660.

The resolution was read the second time and was adopted.

House Concurrent Resolution 191 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 191, Recalling H. B. No. 888 from Governor for certain corrections.

The resolution was read the second time and was adopted.

Conference Committee on House Bill 724

The President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 724:

Senators Lane, Hazlewood, Bracewell, Aikin, and Secrest.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has appointed the following conferees on H. B. No. 602: Joseph, Dewey, Baker, Sayers, and Sheridan.

The House has passed Mr. Schwartz', A. R., motion to instruct Conference Committee on H. B. No. 602 not to lessen the penalty for sale of beer to minors, prevailed by vote of 93 ayes, 19 noes.

S. B. No. 316, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended, so as to give the District Judge or District Judges authority to set the salary of the County Auditor at a figure not to exceed the amount allowed or paid the Assessor-Collector of Taxes in his county; providing that this salary shall only cover the compensation of the County Auditor for performing his regular county duties; providing that the County Auditor shall be appointed for a term of four years; amending Article 1649 of the Revised Civil Statutes of Texas of 1925 so as to provide that the bond of the County Auditor shall be payable to the District Judge or District Judges and that the bond shall be approved by the District Judge or District Judges, a majority ruling, and providing further that each County Auditor shall be required to make a personal or surety bond in the minimum sum of \$5,000; amending Article 1665 of the Revised Civil Statutes of Texas of 1925, as amended, so as to provide that the County Auditor shall make monthly and annual reports to the Commissioners' Court and the District Judge or District Judges of his county and providing further that at the time of making the annual audit the County Auditor shall send a report to the bonding company of each district, county or precinct officer showing the condition of that particular office; providing that in making the monthly and annual reports to the Commissioners' Court and District Judge or District Judges that the County Auditor shall also show the amounts of county, district and school funds on deposit in the County Depository; providing further that the annual report shall be filed at a regular or special term of the Commissioners' Court in

April following the close of each fiscal year and copies of such reports shall be filed with the District Judge or District Judges as the case may be; providing for a repeal of all laws in conflict herewith—however, it is expressly understood that it is not the intention of the Legislature to repeal Article 1672 of the Revised Civil Statutes of Texas of 1925 or Article 8245 of the Revised Civil Statutes of Texas of 1925, as amended—and declaring an emergency.”

(As amended.)

S. B. No. 189, A bill to be entitled “An Act to amend Articles 1061, 1068 and 1070, of the Code of Criminal Procedure of the State of Texas, pertaining to fees allowed district or county attorneys, by raising the fee allowed for conviction of misdemeanors; raising the fees allowed when the defendant pleads guilty before a Justice of the Peace or is convicted on a plea of not guilty before a Justice of the Peace; raising the fee allowed where pleas of guilty are accepted in the justice court at a time other than the regular term thereof; repealing all laws in conflict, and declaring an emergency.”

(As amended.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

(President Pro Tempore in the Chair.)

Bill Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate, after the caption had been read, the following enrolled bill:

S. B. No. 360, A bill to be entitled “An Act providing for and fixing the salaries of the Justices of the Supreme Court and the Judges and the Commissioners of the Court of Criminal Appeals; repealing subsection (a), of Section 1 of Senate Bill No. 79, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 386 (compiled as subsection (a) of Article 6819a-9, Vernon's Civil Statutes of Texas), and all other laws and parts of laws in conflict; and declaring an emergency.”

Senate Bill 189 with House Amendments

Senator Kelley called S. B. No. 189 from the President's table for con-

sideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on House Bill 53

The Senate resumed the consideration of the pending business, same being the Conference Committee Report on H. B. No. 53.

Question—Shall the Conference Committee Report on H. B. No. 53 be adopted?

Pending discussion by Senator Willis of the Conference Committee Report on H. B. No. 53, Senators Hardeman and Strauss occupied the Chair.

(President Pro Tempore in the Chair.)

Pending further discussion by Senator Willis of the Conference Committee Report on H. B. No. 53, Senator Kazen occupied the Chair.

(President in the Chair.)

Question—Shall the Conference Committee Report on H. B. No. 53 be adopted?

Change in Conference Committee on House Bill 63

The President announced the appointment of the following in lieu of Senator Roberts who has resigned from the Conference Committee on H. B. No. 63: Senator Lane.

Message from the House

Hall of the House of Representatives
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 378 by viva voce vote.

The House has adopted the Confer-

ence Committee Report on House Bill No. 20 by viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 379 by division vote.

S. B. No. 396, A bill to be entitled "An Act providing that the current appropriation to the Court of Criminal Appeals for equipment, law books, and other property may be used for other operating expenses of the Court during the fiscal year ending August 31, 1955."

The House has adopted the Conference Committee Report on House Bill No. 709 by viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 290 by a vote of 122 yeas, 1 nay and 1 present not voting.

The House has concurred in Senate amendments to House Bill No. 638 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 875 by viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 134 by division vote.

The House has adopted the Conference Committee Report on Senate Bill No. 430 by a vote of 112 yeas, 9 nays.

The House has concurred in Senate amendments to H. J. R. No. 30 by vote of 119 yeas, 5 nays.

The House has concurred in Senate amendments to House Bill No. 673 by vote of 127 yeas, 3 nays.

H. B. No. 60, A bill to be entitled "An Act providing for payment by the State for hospital care of tuberculosis children in public and private hospitals of this State in case of financial inability of the parents to provide such care; placing administration of the Act in the Board for Texas State Hospitals and Special Schools; providing restrictions, conditions and terms under which State care is to be rendered and making further provisions concerning the administration of the Act; placing certain duties on county judges; providing for severability; making an appropriation; and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act making an emergency appropriation to the State Department

of Agriculture for the operating expenses for the remainder of the fiscal year ending August 31, 1955, provided for its expenditures under the general provisions of House Bill No. 111, Regular Session, Fifty-third Legislature; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act making a supplementary appropriation for payment of Old Age Assistance grants during the fiscal year ending August 31, 1955, and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Conference Committee on House Bill 341

The President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 341: Senators Hardeman, Weinert, Lane, Aikin and Phillips.

Bill and Resolution Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bill and resolution:

H. C. R. No. 192, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 660.

H. B. No. 660, A bill to be entitled "An Act increasing revenues for the support of the State Government; amending Sections 2 and 3 of House Bill No. 755, Chapter 241, Acts of the Forty-fourth Legislature, 1935, page 575, as amended (codified as Sections 2 and 3 of Article 7047c-1, Vernon's Texas Civil Statutes), relating to the tax on cigarettes; levying additional taxes on cigarettes and making certain changes in the administration, enforcement and allocation of said tax; amending subsection (a) of Section 2 and subsection (a) of Section 14 of Article XVII, Chapter 184, Acts of the Forty-seventh Legislature, 1941, Regular Session, as amended (codified as Articles 7065b-2(a) and 7065-14(a), Vernon's Civil Statutes) and adding to said Article XVII a new section numbered 14a, relating to the tax on motor fuel; amending Section 5(a) of Article XVII, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended; amending Section XX of Chapter 402, Acts, Regular Session, Fifty-second Legislature as amended by Article

IV of Chapter 2, Acts, First Called Session of the Fifty-third Legislature (codified as Article 667-23, Vernon's Texas Penal Code); amending Articles 7084, 7086, 7089, 7091, 7092 and 7094 of the Revised Civil Statutes of Texas, as amended, relating to the franchise tax; amending Article XX, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended (codified as Article 7083a of Vernon's Texas Civil Statutes); declaring the Act severable; and declaring an emergency."

House Bill 941 on Second Reading

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 941, A bill to be entitled "An Act relating to the use of a public road which has been under fence for a period of fifteen years or more; and declaring an emergency."

The bill was read second time.

Senator Lane offered the following committee amendment to the bill:

Amend H. B. 941 by deleting the word and figure "fifteen (15)" in Section 1 where it appears and inserting in lieu thereof the following: "twenty (20)."

The committee amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 941 by adding a new sentence at the end of Section One to read as follows:

"Provided, however, that this Act shall not apply to access roads reasonably necessary to reach adjoining land."

The amendment was adopted.

On motion of Senator Lane, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 941 on Third Reading

Senator Lane moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three sev-

eral days be suspended and that H. B. No. 941 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Bracewell	Moore
Colson	Parkhouse
Corbin	Ratliff
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Strauss
Lane	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Nays—1

Ashley

Absent

Fuller	Owen
Latimer	Phillips

Absent—Excused

Roberts	Shireman
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Kazen, Martin, Ashley, Colson and Lock asked to be recorded as voting "nay" on the final passage of H. B. No. 941.

House Bill 928 on Second Reading

On motion of Senator Secrest, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 928, Creating the Bell County Water Control and Improvement District No. 4.

The bill was read second time.

Senator Secrest offered the following amendment to the bill:

Amend H. B. No. 928 by adding a new section thereto to be known as Section 11-A which new section shall read as follows:

"Sec. 11-A. The District shall have the power of eminent domain as conferred by the general law of this State, now in force or hereafter amended, upon and applicable to water control and improvement districts; provided, however, that said power of eminent domain shall be limited to Bell County, Texas."

The amendment was adopted.

Senator Secrest offered the following amendment to the bill:

Amend H. B. 928 by adding a new section thereto to be known as Section 13-A which new section shall read as follows:

"Sec. 13-A. The District is strictly prohibited from entering into any contract or agreement with any person, firm, city, town, village, organized district or districts, corporation, public agency, State or Federal Government or any branch, arm, service, board, commission, agency, department or division thereof whereby under the terms or provisions of such contract or agreement the District or the people therein shall, after the payment of all outstanding bonds and interest thereon or refunding bonds and interest thereon or any other legal and outstanding debt, lose title or ownership to any of the properties of the District whether real, personal or mixed, or lose control of the use thereof, and any such prohibited contract or agreement, if entered into by the Board of Directors of the District, shall be null and void and without force or effect."

The amendment was adopted.

On motion of Senator Secrest, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 928 on Third Reading

Senator Secrest moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 928 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Colson
Ashley	Corbin
Bracewell	Fly

Hardeman	Phillips
Kazen	Ratliff
Kelley	Rogers
Lane	of Childress
Lock	Rogers of Travis
Martin	Secrest
McDonald	Strauss
Moffett	Wagonseller
Moore	Weinert
Parkhouse	Willis

Absent

Fuller	Latimer
Hazlewood	Owen

Absent—Excused

Roberts	Shireman
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent

Fuller	Latimer
Hazlewood	Owen

Absent—Excused

Roberts	Shireman
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House Bill 630 on Third Reading

On motion of Senator Rogers of Travis, and by unanimous consent, the President laid before the Senate on its third reading the following bill:

H. B. No. 630, A bill to be entitled "An Act imposing an excise tax upon the sale of radios and television sets equal to three per cent of the retail value thereof with certain exemptions; defining terms used in Act; requiring licensed retailer to collect said tax for the State of Texas upon the sale or distribution of radios and television sets in Texas, and requiring tax to be added to selling price, etc."

The bill was read third time.

Senator Rogers of Travis offered the following amendment to the bill:

Amend H. B. 630, page 3, line 62 of the printed copy of the bill by changing that line to read:

"collected during the previous quarter, and the amount"

The amendment was adopted by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Nays—1

Hardeman

Absent

Fuller Owen

Latimer

Absent—Excused

Roberts Shireman

Senator Rogers of Travis offered the following amendment to the bill:

Amend H. B. 630, page 10, line 10, of the printed bill, by changing it to read after the word "television":

"tax paid quarterly"

The amendment was adopted by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Fuller

Absent—Excused

Roberts Shireman

Senator Rogers of Travis offered the following amendment to the bill:

Amend H. B. 630, page 3, line 59, of the printed copy of the bill, by changing that line to read:

"retailer, shall upon the 20th of every fourth calendar month remit or pay"

The amendment was adopted by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Fuller

Absent—Excused

Roberts Shireman

Senator Rogers of Travis offered the following amendment to the bill:

Amend H. B. 630, page 4, of the printed bill, by striking out the words "calendar month" and the word "month" wherever they appear, and substituting in lieu thereof the word "quarter."

The amendment was adopted by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Fuller

Absent—Excused

Roberts

Shireman

Senator Rogers of Travis offered the following amendment to the bill:

Amend H. B. 630, page 2, line 22, of the printed bill, by striking out the word and figures "2%" and substituting the words and figures "2.2%" and to make the same substitution wherever necessary.

The amendment was adopted by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Phillips
Corbin	Ratliff
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagon seller
Lock	Weinert
Martin	Willis
McDonald	

Nays—1

Kazen

Parkhouse

Absent

Fuller

Absent—Excused

Roberts

Shireman

On motion of Senator Rogers of Travis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed.

House Concurrent Resolution 119 on Second Reading

On motion of Senator Bracewell and by unanimous consent the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 119, Granting Robert E. Nesmith, Inc., permission to sue State of Texas and Texas Southern University.

The resolution was read.

Senator Bracewell offered the following committee amendment to the bill:

Amend H. C. R. No. 119 by adding on line 6, immediately after the word "on," the following words: "or prior to."

The committee amendment was adopted.

The resolution as amended was then adopted.

House Bill 80 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 80, A bill to be entitled "An Act amending Sections 61, 62, and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06 and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain provisions relative to voting for write-in candidates; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Kelley asked to be recorded as voting "Nay" on the passage of H. B. No. 80 to third reading.

House Bill 80 on Third Reading

Senator Kazen moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Latimer
Bracewell	Lock
Colson	Martin
Corbin	McDonald
Fly	Moffett
Fuller	Moore
Hardeman	Owen
Hazlewood	Parkhouse
Kazen	Phillips

Ratliff	Strauss
Rogers	Wagonseller
of Childress	Weinert
Rogers of Travis	Willis
Secrest	

Nays—1

Kelley

Absent—Excused

Roberts

Shireman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Kelley asked to be recorded as voting "Nay" on the final passage of H. B. No. 80.

Conference Committee Report on House Bill 63

Senator Hardeman submitted the following Conference Committee Report on H. B. No. 63:

Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 63, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

**HARDEMAN
SECREST
LANE**

On the part of the Senate.

**BANKS
SAUL
WOOD
BURKETT
COOPER**

On the part of the House.

H. B. No. 63:

**A BILL
TO BE ENTITLED**

"An Act amending Chapter 352, General Laws, Regular Session, 53rd Legislature, 1953, so as to declare as abandoned all certified filings heretofore filed with and permits heretofore issued by the Board of Water En-

gineers and permits hereafter issued by the Board of Water Engineers or its successor, which certified filings and permits authorize the appropriation of public waters, when no part of the waters authorized to be appropriated has even been put to beneficial use at any time during a ten-year period preceding the effective date of this Act or the date of cancellation proceedings authorized hereby; and providing for cancellation of certain portions of any such permits or certified filing under certain conditions herein specified; requiring the Board of Water Engineers or its successor to cancel portions of such certified filings and permits when found to have been abandoned; requiring public hearings before cancellation and forfeiture; providing for notice before hearing and an opportunity to the holder to present evidence that water has been beneficially used during the certified filing or permit during such ten-year period; declaring that failure to cancel shall not validate or enhance a certified filing or permit, providing that the partial cancellation features of this Act shall not apply to any portion of a permit or certified filing which authorizes the appropriation of public waters for municipal and domestic purposes; defining a certified filing; providing for appeals from orders of cancellation and partial cancellation; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 352, General Laws, Regular Session, Fifty-third Legislature, 1953, being codified as Articles 7519a and 7519b, Vernon's Civil Statutes of Texas, is hereby amended so as to hereafter read as follows:

Article 7519a. All permits for the appropriation and use of public waters heretofore issued by the Board of Water Engineers of the State of Texas, or certified filings filed with said Board in accordance with the provisions of Section 14 of Chapter 171, Acts of the Thirty-third Legislature of Texas, 1913, and all permits hereafter issued by the Board of Water Engineers or its successors, which said permits and certified filings authorize the appropriation and use of public waters, and under which no part of the water authorized to be withdrawn and appropriated has been

put to beneficial use at any time during a period of Ten (10) consecutive years next preceding the effective date of this Act or the date of the cancellation proceedings herein authorized, whichever is later in time, are hereby declared to have been wilfully abandoned and shall be null, void and of no further force and effect, and when found by the Board to have been wilfully abandoned shall be forfeited, revoked and cancelled by the Board. When the Board has determined from its records that no water has been beneficially used under any permit or certified filing at any time during such ten-year period, it shall cause a public hearing to be held on the matter of cancelling such permit or certified filing. Provided, however, that before cancelling any such permit or certified filing, the Board shall send notice of such pending cancellation hearing by registered mail, return receipt requested, to the holder or holders of any such permit or certified filing at the last address shown by the records of the Board of Water Engineers or its successors at least thirty (30) days prior to such hearing date and give such holder or holders an opportunity to be heard and present evidence that water has been beneficially used for the purposes authorized under the permit or certified filing during such ten (10) year period. Failure on the part of the Board to cancel a permit or certified filing hereunder shall not be construed as validating or enhancing any such permit or certified filing not cancelled.

All permits for the appropriation and use of public waters heretofore issued by the Board of Water Engineers of the State of Texas, or certified filings filed with said Board in accordance with the provisions of Section 14 of Chapter 171, Acts of the Thirty-third Legislature of Texas, 1913, and all permits hereafter issued by the Board of Water Engineers or its successors, which said permits and certified filings authorize the appropriation and use of public waters and under which, only a part of the water authorized to be withdrawn and appropriated has been put to beneficial use at any time during a period of Ten (10) consecutive years next preceding the effective date of this Act or the date of the cancellation proceedings herein authorized, whichever is later in time, are hereby declared to have been wilfully abandoned and shall be null, void and of no further force and effect, to such extent that

said certified filing or permit has not been put to a beneficial use, and when found by the Board to have been wilfully abandoned, shall be forfeited, revoked and cancelled by the Board, to the extent that no beneficial use has been made of such water under such certified filing or permit during the preceding ten (10) years. When the Board of Water Engineers or its successors has determined from its records that only a part of said water has been beneficially used under any permit or certified filing at any time during such ten (10) year period, it shall cause a public hearing to be held on the matter of cancelling the unused portion of such permit or certified filing. Provided, however, that before cancelling any unused portion of such permit or certified filing, the Board shall send notice of such pending cancellation hearing by registered mail, return receipt requested, to the holder or holders of any such permit or certified filing at the last address shown by the records of the Board of Water Engineers or its successors at least thirty (30) days prior to such hearing date and give such holder or holders an opportunity to be heard and present evidence as to how much water has been beneficially used for the purposes authorized under the permit or certified filing during such ten (10) year period. Failure on the part of the Board to partially cancel a permit or certified filing hereunder shall not be construed as validating or enhancing any such permit or certified filing not partially cancelled. Provided, however, that the partial cancellation features of this Act shall not apply to any portion of a permit or certified filing which authorizes the appropriation of public waters for municipal and domestic purposes.

Section 2. For the purpose of this Act, the term "Certified Filing" shall mean any declaration of appropriation or affidavit filed with the State Board of Water Engineers under the provisions of Section 14 of Chapter 171, Acts of the Thirty-third Legislature of Texas, 1913, and amendments thereto.

Appeals from any Board order revoking, forfeiting or cancelling any permit or certified filing may be as is provided by Chapter 357, General Laws, Regular Session, Fifty-third Legislature, 1953, codified as Article 7477, Vernon's Civil Statutes of Texas.

Section 3. All laws or parts of laws in conflict herewith are hereby re-

pealed to the extent of such conflict, and should any section or provision hereof be declared unconstitutional or invalid, such invalidity shall not impair any remaining sections or provisions of this Act, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof regardless of the invalidity of any part.

Section 4. The fact that the present law does not provide for total and partial cancellation of certified filings and permits even though all or a part of the water is not being appropriated and beneficially used thereunder, the fact that a public need exists to make such water available for appropriation and beneficial use, and the further fact that the present law needs to be clarified so as to remove any inconsistencies, create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Joint Resolution 11 on Third Reading

Senator Parkhouse asked unanimous consent to Call from the Table H. J. R. No. 11 on its third reading and final passage.

There was objection.

Senator Parkhouse then moved to Call from the Table H. J. R. No. 11 on its third reading.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Colson	Moore
Corbin	Owen
Fly	Parkhouse
Hardeman	Phillips
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Strauss
Lane	Weinert
Latimer	Willis

Nays—4

McDonald	Rogers
Ratliff	of Childress
	Wagonseller

Absent

Fuller

Absent—Excused

Roberts

Shireman

The President laid before the Senate on its third reading and final passage H. J. R. No. 11 (the resolution having been read third time on Monday, May 30, 1955).

Senator Moore offered the following amendment to the resolution:

Amend House Joint Resolution No. 11 by striking out the following words in Section 1 thereof: "provided, however, that the person charged with insanity shall be given notice in writing at least seven (7) days before trial; provided, further, that any person who is charged with being of unsound mind shall personally sign a waiver of a trial by jury unless he is physically unable to do so. Any commitment obtained in violation of this requirement shall be void."

The amendment to the resolution was adopted by the following vote:

Yeas—19

Aikin	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Rogers of Travis
Hazlewood	Secrest
Kazen	Strauss
Kelley	Wagonseller
Lane	Weinert
Latimer	Willis
Lock	

Nays—8

Ashley	Moffett
Corbin	Ratliff
Hardeman	Rogers
Martin	of Childress
McDonald	

Absent

Fuller

Phillips

Absent—Excused

Roberts

Shireman

Question recurring on the adoption of the resolution as amended, it was adopted by the following vote:

Yeas—22

Aikin	Hazlewood
Bracewell	Kazen
Colson	Kelley
Corbin	Lane
Fly	Latimer
Hardeman	Lock

Moffett	Rogers of Travis
Moore	Secrest
Owen	Shireman
Parkhouse	Strauss
Phillips	Willis

Nays—5

Ashley	Rogers
McDonald	of Childress
Ratliff	Wagonseller

Absent

Fuller	Weinert
Martin	

Absent—Excused

Roberts

House Bill 360 on Second Reading

On motion of Senator Secrest, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 360, A bill to be entitled "An Act to amend Section 186 of the Texas Election Code, Chapter 492, of the Acts of the Regular Session of the 52nd Legislature, 1951, by changing the date for assessment of the costs of holding the general primary election and by changing the date for payment of such assessments, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 360 on Third Reading

Senator Secrest moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Fuller	Weinert
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Absent—Excused

Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that:

The House has adopted the Conference Committee Report on House Bill No. 63 by a viva voce vote.

The House refused to adopt Conference Committee Report on H. B. 53 by vote of 72 yeas, 50 nays, and requests the appointment of a new conference committee.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Special Committee

Senator Hardeman submitted the following report:

Austin, Texas,
June 6, 1955.

To the Members of the Senate of the 54th Legislature, Austin, Texas.

Your Committee appointed pursuant to Senate Resolution 300, 53rd Legislature, 1953, submits its report as follows:

Immediately after an organization meeting, letters of inquiry were directed to the leading art galleries and museums of the country, seeking recommendations of reliable and qualified conservators of paintings, as well as of recommendations of conservation practices.

Following replies from some of the best known art galleries, the Committee selected Mr. F. duPont Cornelius of the Colorado Springs Fine Arts Center, Colorado Springs, Colorado, as the person best qualified, perhaps, for the undertaking with which it was charged.

A conference with Mr. Cornelius in Austin and a personal inspection and examination by him of the paintings

involved, together with his recommendations, were arranged, the expenses being paid out of the fund appropriated to the Committee in the amount of \$369.25. A copy of the report made by Mr. Cornelius is attached.

In October, 1951, James Roth, Conservator, of the Wm. Rockhill Nelson Gallery of Art, Kansas City, Missouri, submitted a report to the Texas State Library on the condition of certain paintings in the Capitol and recommendations for their conservation and care, of which your Committee also had the benefit. (Mr. Roth was invited by the Committee to reinspect the paintings and submit recommendations and estimates of costs but declined on previously stated grounds.)

In addition, the matter of conservation of the particular paintings was discussed orally with a number of individuals, none of whom filed written recommendations or estimates of costs on which the Committee might act.

No further action has been taken for two reasons:

First, the total estimated costs of the conservation project of Mr. Cornelius exceeds the amount appropriated for such purposes; and

Second, it would necessitate shipment of the paintings listed in the resolution beyond the jurisdiction of the State of Texas. (The estimates were based on current rates for his doing the work in Colorado Springs, Colorado.) Also, the estimated costs do not include crating and shipping charges, as well as the travel and other expenses of Mr. Cornelius which would be incurred in supervising dismantling and boxing prior to and unpacking and hanging after conservation is completed. (Mr. Cornelius also states that to do the work in Austin would very greatly increase the expense.)

Your Committee is of the opinion that Mr. Cornelius is well qualified to undertake and complete the conservation of the paintings involved, namely:

"Stephen F. Austin" (in the Senate Chamber)

"Dawn at the Alamo" by H. A. McArdle

"Battle of San Jacinto" by H. A. McArdle

"David Crockett" by Wm. H. Huddle

"Surrender of Santa Anna" by Wm. H. Huddle.

It is also of the very definite opinion that the conservation of these paintings certainly must be done if they are to be preserved for continued observation and enjoyment by the visitors

to the Capitol. The present state of deterioration and condition of the paintings is readily apparent even to the most casual observer.

In the event conservation of these paintings is to be undertaken, your Committee desires to stress the importance of fully qualified and expert conservators. We learned that this field is rather limited and that there are actually only a very few persons qualified to undertake such task. It should be borne in mind that conservation work is a field in itself, entirely distinct from the work of the artist. It calls for highly technical knowledge, as well as special equipment. Irreparable damage could be done to these irreplaceable paintings.

Your Committee further recommends that the Senate be apprised of the condition of these paintings with a view and hope that sufficient funds will be made available for the immediate conservation thereof as well as to express itself as to where such work should be undertaken and completed.

Respectfully submitted,

BEN RAMSEY

JNO. P. MORGAN

DORIS H. CONNERLY

A. M. AIKIN JR.

DORSEY B. HARDEMAN

The report was read.

On motion of Senator Hardeman and by unanimous consent the report was adopted.

Senate Resolution 430

Senator Hardeman offered the following resolution:

Whereas, The following paintings are in need of immediate repair and conservation:

"Stephen F. Austin," "Dawn at the Alamo," and "Battle of San Jacinto" located in the Senate Chamber, and "David Crockett" and "The Surrender of Santa Anna," both located in the south lobby of the Capitol Building; and

Whereas, The committee appointed by the Senate of the 53rd Legislature did not have authority to ship said paintings without the State for such work to be done, and was unable to secure the services of a qualified conservator to undertake the reclamation and conservation of such paintings in Texas; and

Whereas, The value of these paintings and their appeal to the people of Texas and other citizens who are fortunate enough to view them demands

their preservation for posterity; now, therefore, be it

Resolved by the Senate of Texas, That the President of the Senate be and he is hereby authorized to appoint a committee of five composed of three Members of the Senate and the chairman of the State Library and Historical Commission and the Legislative Reference Librarian to secure qualified personnel to conserve said paintings; that said committee be and the same is hereby authorized, directed and empowered to send said paintings outside the State, under proper safeguards, in order that such work may be properly done; that the committee be and same is authorized to pay the expenses of shipping and packing said paintings, as well as the expenses of the conservator for supervising packing and shipping and for his services as conservator as well as the actual expenses of the committee members in attendance upon any meeting or meetings of said committee and that the sum of \$12,000.00, or so much thereof as may be necessary, be expended out of the contingent expense fund of the Senate for such purposes, upon voucher or vouchers drawn by the Lieutenant Governor and the chairman of the Contingent Expense Committee of the Senate upon approval of the chairman of the Committee on Conservation of Paintings.

HARDEMAN
LANE

The resolution was read and was adopted.

House Bill 428 on Second Reading

On motion of Senator Willis, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 428, A bill to be entitled "An Act authorizing the Commissioners Courts of the State of Texas to expend county tax money for the purpose of acquiring lands for public dumping and garbage disposal grounds for the use of the residents of said county so acquiring such sites, and giving counties the right of eminent domain in acquiring such necessary grounds."

The bill was read second time.

Senator Willis offered the following committee amendment to the bill:

Amend House Bill No. 428 by adding a new sentence at the end of Section 3 to read as follows:

"This Act shall apply only to counties having a population of three hundred thousand (300,000) or more according to the last Federal Census."

The committee amendment was adopted.

On motion of Senator Willis, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 428 on Third Reading

Senator Willis moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 428 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent

Fuller

Absent—Excused

Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Place House Bill 26 on Second Reading

Senator Martin asked unanimous consent to suspend the regular order of business and take up H. B. No. 26 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up H. B. No. 26 for consideration at this time.

The motion was lost by the following vote:

Yeas—13

Aikin	Ratliff
Ashley	Rogers
Corbin	of Childress
Kelley	Secrest
Martin	Shireman
Moore	Wagonseller
Owen	Willis

Nays—15

Bracewell	Lock
Colson	Moffett
Fly	Parkhouse
Hardeman	Phillips
Hazlewood	Rogers of Travis
Kazen	Strauss
Lane	Weinert
Latimer	

Absent

Fuller McDonald

Absent—Excused

Roberts

House Concurrent Resolution 1 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 1, Providing for Sine Die Adjournment at 6:00 o'clock p. m. on Tuesday, June 7, 1955.

The resolution was read second time and was adopted.

Notice of Executive Session

Senator Aikin gave notice that he would on tomorrow, June 7, 1955, call an Executive Session for consideration of Nominations of the Governor.

House Bill on First Reading

The following bill received from the House today was read first time and was referred to the committee indicated:

H. B. No. 711, To the Committee on Agricultural Affairs.

Adjournment

On motion of Senator Weinert, the Senate, at 6:25 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

SEVENTY-FIFTH DAY

(Tuesday, June 7, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Roberts

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation, as follows:

"Our Father, let the closing hours of this session of the Senate point to the closing hours of our earthly life. Not a time of gloom or sad farewells, but hours of rejoicing over a work well done; may we have a safe journey home; and while we do not know what the future holds, give us fearless faith in Him Who holds the future; and may the Lord bless and keep us all, and forevermore. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Morning Call

Senator Martin moved to dispense with the Morning Call.

There was no objection offered.

Report of Standing Committee

Senator Moffett, by unanimous consent, submitted the following report:

Austin, Texas,
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.